

1-1 By: Pitts, et al. (Senate Sponsor - Nichols) H.B. No. 347
 1-2 (In the Senate - Received from the House April 24, 2013;
 1-3 April 25, 2013, read first time and referred to Committee on
 1-4 Transportation; May 9, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 9, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 347 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to prohibiting using a wireless communication device while
 1-22 operating a motor vehicle on school property.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 545.425, Transportation
 1-25 Code, is amended to read as follows:

1-26 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A
 1-27 SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR
 1-28 PASSENGER; OFFENSE.

1-29 SECTION 2. Subchapter I, Chapter 545, Transportation Code,
 1-30 is amended by adding Section 545.4252 to read as follows:

1-31 Sec. 545.4252. USE OF WIRELESS COMMUNICATION DEVICE ON
 1-32 SCHOOL PROPERTY; OFFENSE. (a) In this section:

1-33 (1) "Hands-free device" has the meaning assigned by
 1-34 Section 545.425.

1-35 (2) "Wireless communication device" has the meaning
 1-36 assigned by Section 545.425.

1-37 (b) Except as provided by Section 545.425(c), an operator
 1-38 may not use a wireless communication device while operating a motor
 1-39 vehicle on the property of a public elementary, middle, junior
 1-40 high, or high school for which a local authority has designated a
 1-41 school crossing zone, during the time a reduced speed limit is in
 1-42 effect for the school crossing zone, unless:

1-43 (1) the vehicle is stopped; or

1-44 (2) the wireless communication device is used with a
 1-45 hands-free device.

1-46 (c) It is an affirmative defense to prosecution of an
 1-47 offense under this section that the wireless communication device
 1-48 was used to make an emergency call to:

1-49 (1) an emergency response service, including a rescue,
 1-50 emergency medical, or hazardous material response service;

1-51 (2) a hospital;

1-52 (3) a fire department;

1-53 (4) a health clinic;

1-54 (5) a medical doctor's office;

1-55 (6) an individual to administer first aid treatment;

1-56 or

1-57 (7) a police department.

1-58 (d) This section does not apply to:

1-59 (1) an operator of an authorized emergency vehicle
 1-60 using a wireless communication device while acting in an official

2-1 capacity; or
2-2 (2) an operator who is licensed by the Federal
2-3 Communications Commission while operating a radio frequency device
2-4 other than a wireless communication device.

2-5 (e) This section preempts all local ordinances, rules, or
2-6 regulations that are inconsistent with specific provisions of this
2-7 section adopted by a political subdivision of this state relating
2-8 to the use of a wireless communication device by the operator of a
2-9 motor vehicle, except that a political subdivision may by ordinance
2-10 or rule prohibit the use of a wireless communication device while
2-11 operating a motor vehicle throughout the jurisdiction of the
2-12 political subdivision.

2-13 SECTION 3. The change in law made by this Act applies only
2-14 to an offense committed on or after the effective date of this Act.
2-15 An offense committed before the effective date of this Act is
2-16 governed by the law in effect on the date the offense was committed,
2-17 and the former law is continued in effect for that purpose. For
2-18 purposes of this section, an offense was committed before the
2-19 effective date of this Act if any element of the offense occurred
2-20 before that date.

2-21 SECTION 4. This Act takes effect September 1, 2013.

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